

Serial No. 09/721,871
Inventor(s) Higgins et al.

U.S. PTO Customer No. 25280
Case No. 5113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kenneth B. Higgins et al.

Serial Number: 09/721,871

Filed: 11/24/2000

For: Cushioned Carpet, Carpet Tile and Method

Group Art Unit: 1771
Examiner: Juska, Cheryl Ann

Request For Continued Examination

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

08/09/2004 TROSSI
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This is a Request for Continued Examination of the above-identified application. A submission as required is provided herewith in the form of an Amendment and an Information Disclosure Statement. The claims have been amended so as to narrow issues for examination in the hope of promoting expeditious prosecution without the need to engage in the appeal process.

referred to as a carrier backing located between the foam and the adhesive. In order to modify the tile disclosed in Higgins '857 in a manner required to achieve contacting and bonding relation between the adhesive and the rebond, the carrier backing (26) would have to be eliminated. That is, the adhesive would have to extend to the rebond foam.

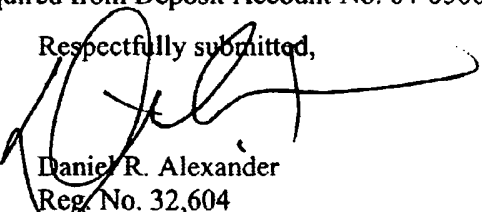
As will be appreciated, upon removal of the carrier backing layer (26), the foam/adhesive interface would have to withstand any applied delaminating force. Moreover, the data from DeSimone indicates that rebond foam is substantially weaker than standard foam. Thus, in order to modify the tile of Higgins '857 to meet the limitations of claim 57, the carrier backing layer would not only have to be eliminated, but the advocated high density foam would also have to be replaced by a much weaker foam material. Applicants respectfully submit that such a dramatic redesign of the tile from the primary reference is outside any reasonable bounds of obviousness. Thus, it is respectfully submitted that the earlier rejection of claim 57 and all claims depending therefrom should be withdrawn at this time.

Extension Request/Authorization to Charge Deposit Account:

A two (2) month extension of time accompanies this Amendment. To any extent required, a request for an extension of time is hereby made. Authorization is provided to deduct the RCE fee and any additional fee as may be required from Deposit Account No. 04-0500.

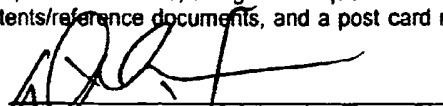
July 23, 2004

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent by Express Mail #EV 451231004 US to Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, along with Request for Extension of Time (in duplicate), Information Disclosure Statement with patents/reference documents, and a post card receipt on July 23, 2004.


Daniel R. Alexander
Attorney for Applicant(s)